

On May 7, 2003, the Examiner issued a Final Rejection rejecting Claims 1-26 under 35 USC §103(a) as being unpatentable over “admitted prior art” in combination with Kim et al.¹

In response, on September 8, 2003, Applicants filed Response B After Final explaining why Claims 1-26 were patentable over the cited references.

On November 3, 2003, the Examiner issued an Advisory Action stating that the request for reconsideration had been considered but the Examiner found the arguments to not be convincing.

On December 5, 2003, a RCE was filed.

On December 30, 2003, the Examiner issued a new Office Action rejecting Claims 1-26 under 35 USC §103(a) as being unpatentable over “admitted prior art” in combination with Kim et al.

In response, on March 30, 2004, Applicants filed Amendment C. In Amendment C, Applicants amended Claims 1-12, 14, 16-20, and 22, added new Claims 27-42 and explained why the claims were patentable over the cited references.

In response, the Examiner issued an Office Action dated June 28, 2004 rejecting Claims 1-42 under 35 USC §103(a) as being unpatentable over “admitted prior art” in combination with Kim et al. and Fujitsu Ltd.

In response, on September 28, 2004, Applicants filed Response D. In Response D, Applicants explained why the claims were patentable over the cited references.

In response, the Examiner issued a restriction requirement on December 30, 2004.

Applicants respectfully submit that this restriction requirement is improper. The Examiner has already searched and examined Claims 1-42 in the Office Action of June 28, 2004. MPEP §803

¹The effective date of this Final Rejection was changed from May 7, 2003 to June 7, 2003 in order to supply applicants with the application number for the Kim reference.

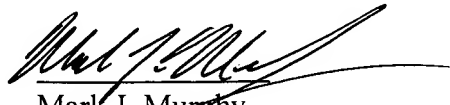
states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." As the Examiner has already searched and examined Claims 1-42, clearly the search and examination of these claims can be made without serious burden. At this time, Applicants wish for the Examiner to consider their arguments for patentability in Response D filed on September 28, 2004 (with no amendment to the claims).

Accordingly, it is respectfully requested that the Examiner withdraw the restriction requirement, consider the arguments in Response D filed on September 28, 2004 and issue the appropriate action in response thereto.

In order to respond to the Restriction Requirement of December 30, 2004, as required by the Patent rules, Applicant provisionally elects to prosecute Species I and believe that Claims 1-27, 29, 31, 33, 35, 37, 39 and 41 are readable thereon, on the assumption that Claims 1, 5, 9 and 17 are generic.

Applicants are making this provisional election without prejudice to later filing a divisional application on the non-elected species/claims.

Respectfully submitted,


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